

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TERESA ALTHOFF,)
vs. Plaintiff,) Civil No. 14-CV-00131-SMY-PMF
THE UNITED STATES OF AMERICA,)
SCOTT BRANNAN, M.D.,)
CAPE RADIOLOGY GROUP, P.C., and)
SOUTHERN ILLINOIS HOSPITAL)
SERVICES d/b/a MEMORIAL HOSPITAL)
OF CARBONDALE, a corporation,)
Defendants.)

**DEFENDANT UNITED STATES OF AMERICA'S
RESPONSE TO PLAINTIFF'S MOTION TO DISMISS (Doc. 93)**

NOW COMES Defendant United States of America ("United States"), by and through its attorneys, Stephen R. Wigginton, United States Attorney for the Southern District of Illinois, and David J. Pfeffer, Assistant United States Attorney, and states as follows for its Response to Plaintiff's "Motion to Dismiss Without Prejudice" (Doc. 93):

1. On March 17, 2015, Plaintiff filed her motion to voluntarily dismiss Co-Defendant Southern Illinois Hospital Services d/b/a Memorial Hospital of Carbondale ("SIHS") (*see* Doc. 93).
2. As the various Defendants have answered Plaintiff's Amended Complaint (Doc. 69), voluntary dismissal may be effected by way of a stipulation signed by all parties or by Court order. *See* Fed.R.Civ.P. 41(a).
3. Defendant United States has no objection to Plaintiff's motion to voluntarily dismiss Co-Defendant SIHS, so long as SIHS's pending cross-claims against Defendant United States (*see* Doc. 78) are likewise dismissed at that time.

4. On March 23, 2015, SIHS did move to voluntarily dismiss its cross-claims for indemnification and contribution against Defendant United States (Doc. 96). Assuming that SIHS's motion is granted and SIHS's cross-claims against the United States are dismissed, Defendant United States has no objection to SIHS's dismissal from this action.

5. It should be noted that Defendant United States has no pending cross-claims against SIHS. To clarify, Defendant United States initially pled a cross-claim for contribution against SIHS (*see* Doc. 52 at p. 12). After additional discovery, however, Defendant United States abandoned its cross-claim against SIHS, and thus did not re-plead the cross-claim in Defendant United States' Answer to Plaintiff's First Amended Complaint (*see* Doc. 75).

Respectfully submitted this 24th day of March 2015,

STEPHEN R. WIGGINTON
United States Attorney

s/ David J. Pfeffer
DAVID J. PFEFFER
Assistant United States Attorney
United States Attorney's Office
Nine Executive Drive
Fairview Heights, Illinois 62208-1344
Phone: (618) 628-3700
Fax: (618) 622-3810
Email: david.j.pfeffer@usdoj.gov

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2015, I electronically filed the foregoing

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with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Samantha S. Unsell

Keefe & Keefe, PC
6 Executive Woods Ct.
Belleville, IL 62226
Attorney for Plaintiff

Ryan J. Gavin

Kamykowski, Gavin & Smith, PC
287 N. Lindbergh Blvd.
St. Louis, MO 63141
*Attorneys for Defendants Scott Brannan, M.D.
and Cape Radiology Group, PC*

John C. Ryan

Kara L. Jones
Feirich, Mager, Green, & Ryan
2001 West Main Street
P.O. Box 1570
Carbondale, IL 62903
*Attorneys for Defendant
Southern Illinois Hospital Services*

s/ David J. Pfeffer

DAVID J. PFEFFER
Assistant United States Attorney